

First Reading: _____
Second Reading: _____

2016-051
Duane Carleo and Mark Neal
District No. 8
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO
REZONE PROPERTY LOCATED AT 24 EAST 14TH STREET,
MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1
MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS
ZONE, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning
Ordinance, be and the same hereby is amended so as to rezone property located at 24 East 14th
Street, more particularly described herein:

Lots 31 and 32, Block 8, J. C. Stanton's Subdivision, Book H,
Volume 2, Page 156, ROHC, Deed Book 5677, Page 793, ROHC.
Tax Map No. 145LA-D-008.

and as shown on the maps attached hereto and made a part hereof by reference, from M-1
Manufacturing Zone to C-3 Central Business Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be approved
subject to the following conditions:

1. Review.

The following review shall be required to promote compliance with the Downtown Plan, to help ensure that new development complements the existing urban fabric, and to promote the preservation of historically or architecturally significant structures.

A. For any activity requiring a land disturbing permit, non-residential building permit, or residential building permit for structures with more than two (2) units, and excluding all interior renovations:

- (1) The Applicant is required to schedule a meeting with the Community Design Group during the concept development phase of site design.
- (2) The Applicant is required to schedule a pre-submittal meeting with the City's Land Development Office.
- (3) All site layout plans, landscaping plans, and building elevations required by the Land Development Office shall also be reviewed by the Community Design Group prior to approval.

B. For any activity requiring a residential building permit for new construction:

- (1) The Applicant shall provide illustrations, such as specifications, photographs, or other images, to the Community Design Group for review of the work to be completed.

2. Setbacks.

A. For new multi-family buildings three (3) stories in height, and for all new non-residential buildings, a zero building setback is required along the street frontage.

- (1) To accommodate outdoor pedestrian activities including a park, plaza, or outdoor dining, a greater setback is permitted if a street edge delineating the public and private space is provided in accordance with Condition 6.A.

B. For new single-family detached, duplex, townhome, and multi-family structures less than three (3) stories in height, building setbacks shall be consistent with the existing setbacks on the same side of the street.

C. For properties fronting the Tennessee River, a public easement a minimum of thirty-five (35) feet in width shall be provided along the river for the continuation of the Riverwalk.

3. Height Requirements.

- A. The minimum height of new nonresidential buildings shall be eighteen (18') feet.
- B. The maximum height of all new nonresidential buildings and new multi-family buildings shall be four (4) stories.

4. Access to sites and buildings.

- A. New curb cuts shall not be permitted on the primary, or highest order street, that a property fronts, except when there is no alley or secondary street to provide access. The permitting and location of curb cuts on primary streets shall be approved by the City Traffic Engineer based on vehicular and pedestrian safety concerns.
- B. Alleys, where they exist, shall be used as the principal vehicular access.
- C. In the absence of alleys, the secondary, or lower order street, shall be used as the principal vehicular access.
- D. Shared drives should be used wherever possible.
- E. The primary pedestrian entrance to new buildings shall be provided from the primary street.

5. Off-street parking.

- A. New off-street parking shall not be permitted between a building and the primary street frontage.
- B. For new construction of a primary building, or improvements altering more than twenty-five (25%) percent of the parcel that is covered in pavement (including gravel, impervious surfaces, and pavers), the following is required:
 - (1) Off-street parking fronting a public street shall be screened from the right-of way with a street edge in accordance with Condition 6.A. Front end in or parallel parking along alleys is exempt from this requirement.
 - (2) Surface parking lots shall be landscaped with a minimum of one (1) Class I shade tree for every five (5) parking spaces. Where conflicts with overhead utility lines exist, Class II shade trees may be used.

- C. Garages for new residential dwellings shall be located behind the primary building.
- D. There are no minimum requirements for the quantity of off-street parking spaces. However, site plans shall indicate the quantity and location of off-street parking provided, along with the following information:
 - (1) Proximity to transit stops
 - (2) Provision of bicycle facilities
 - (3) Availability of adjacent on-street parking, proximity to public parking facilities, shared private parking, or leased off-site parking
 - (4) Type of uses and hours of operation
 - (5) Square footage of commercial uses or number of residential units
 - (6) Fire Department access

6. Street Frontage.

- A. Where a street edge is required, it shall be provided as follows:
 - (1) The street edge shall have a minimum height of three (3') feet and a maximum height of four (4') feet above grade and shall consist of:
 - (2) Brick, stucco, or stone walls (concrete block is permitted if faced with said materials); or
 - (3) A decorative metal fence with landscaping a minimum of three (3') feet in height at maturity, providing a year-round near opaque screen; or
 - (4) An evergreen hedge, with a minimum height at maturity of three (3') feet.
 - (5) Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.
- B. Ground floor openings (doors and windows) shall constitute a minimum of fifty (50%) percent of the ground floor façade area for new non-residential buildings.
- C. Eighty (80%) percent of the ground level building façade of non-residential buildings, facing primary streets, shall be designed as leasable space and shall not include parking lots.
 - (1) The remainder of the ground floor may be designed to incorporate parking, provided the parking is completely screened from public view.
- D. No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.

- E. All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: _____

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

MAYOR

/mem

First Reading: _____
Second Reading: _____

2016-051
Duane Carleo and Mark Neal
District No. 8
Applicant Version

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Passed on second and final reading: _____

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

MAYOR

/mem

2016-051 City of Chattanooga
April 11, 2016

RESOLUTION

WHEREAS, Duane Carleo & Mark Neal petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga the rezoning of property located at 24 East 14th Street from M-1 Manufacturing Zone to C-3 Central Business Zone.

Lots 31 and 32, Block 8, J. C. Stanton's Subdivision, Book H, Volume 2, Page 156, ROHC, Deed Book 5677, Page 793, ROHC. Tax Map 145LA-D-008 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on April 11, 2016,

AND WHEREAS, the Planning Commission heard and considered all statements regarding the petition,

AND WHEREAS, no one was present in opposition to the petition,

AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development,

AND WHEREAS, the Planning Commission has determined that the proposal is consistent with the development form of the area.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on April 11, 2016, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved with the following conditions:

1. Review.

The following review shall be required to promote compliance with the Downtown Plan, to help ensure that new development complements the existing urban fabric, and to promote the preservation of historically or architecturally significant structures.

- A. For any activity requiring a land disturbing permit, non-residential building permit, or residential building permit for structures with more than 2 units, and excluding all interior renovations:
 - (1) The Applicant is required to schedule a meeting with the Community Design Group during the concept development phase of site design.
 - (2) The Applicant is required to schedule a pre-submittal meeting with the City's Land Development Office.
 - (3) All site layout plans, landscaping plans, and building elevations required by the Land Development Office shall also be reviewed by the Community Design Group prior to approval.
- B. For any activity requiring a residential building permit for new construction:

- (1) The Applicant shall provide illustrations, such as specifications, photographs, or other images, to the Community Design Group for review of the work to be completed.

2. Setbacks.

- A. For new multi-family buildings three (3) stories in height, and for all new non-residential buildings, a zero building setback is required along the street frontage.
 - (1) To accommodate outdoor pedestrian activities including a park, plaza, or outdoor dining, a greater setback is permitted if a street edge delineating the public and private space is provided in accordance with Condition 6.A.
- B. For new single-family detached, duplex, townhome, and multi-family structures less than three (3) stories in height, building setbacks shall be consistent with the existing setbacks on the same side of the street.
- C. For properties fronting the Tennessee River, a public easement a minimum of thirty-five (35) feet in width shall be provided along the river for the continuation of the Riverwalk.

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- B. Alleys, where they exist, shall be used as the principal vehicular access.
- C. In the absence of alleys, the secondary, or lower order street, shall be used as the principal vehicular access.
- D. Shared drives should be used wherever possible.
- E. The primary pedestrian entrance to new buildings shall be provided from the primary street.

5. Off-street parking.

- A. New off-street parking shall not be permitted between a building and the primary street frontage.
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 - (4) An evergreen hedge, with a minimum height at maturity of 3 feet.
 - (5) Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.
- B. Ground floor openings (doors and windows) shall constitute a minimum of 50 percent of the ground floor façade area for new non-residential buildings.
- C. Eighty percent (80%) of the ground level building façade of non-residential buildings, facing primary streets, shall be designed as leasable space and shall not include parking lots.
 - a. The remainder of the ground floor may be designed to incorporate parking, provided the parking is completely screened from public view.
- D. No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.
- E. All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.

Respectfully submitted,



John Bridger
Secretary

ZONING APPLICATION FORM

CASE NUMBER:	2016-051	Date Submitted: 2-18-2016
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)		
1 Applicant Request		
Zoning	From: M-1	To: C-3
Total Acres in request area: .19		
2 Property Information		
Property Address:	24 East 14 th Street	
Property Tax Map Number(s):	145LA-D-008	
3 Proposed Development		
Reason for Request and/or Proposed Use:	Change to C-3 for mixed use building	
4 Site Characteristics		
Current Zoning:	M-1	
Current Use:	Horse Carriage Store	
Adjacent Uses:	Business	
5 Applicant Information		
All communication will be with the Applicant. If the applicant is not the property owner, the RPA requires a letter from the property owner(s) confirming that the applicant has permission to file this application on his/her behalf.		
Name: Duane Carleo		Address: 6733 West Point Drive
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner
City: Hixson	State: TN	Zip Code: 37343
Email: duanecarleo79@gmail.com		
Phone 1: 865-455-6463	Phone 2:	Phone 3:
		Fax:
6 Property Owner Information (if not applicant)		
Name: Mark Neal		Phone: 423-503-4600 (Peter Vista contact person)
Address: 24 East 14 th Street Chattanooga, TN 37402		
Office Use Only:		
Planning District: 1DT		Neighborhood: CNAC
Hamilton Co. Comm. District: 6	Chatt. Council District: 8	Other Municipality:
Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:
Checklist		
<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Ownership Verification	<input checked="" type="checkbox"/> Map of Proposed Zoning Area with dimensions
<input checked="" type="checkbox"/> Site Plan, if required	<input checked="" type="checkbox"/> Total Acres to be considered: .19	<input checked="" type="checkbox"/> Deeds <input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 5677-793		
Plat Book/Page: H2-156	<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: 635.00	<input checked="" type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check
Check Number: 1001		
Planning Commission meeting date: 4-11-2016		Application processed by: Marcia Parker

PLANNING COMMISSION CASE REPORT

Case Number: 2016-051

PC Meeting Date: 04-11-16

Applicant Request**Rezone from M-1 Manufacturing Zone to C-3 Central Business Zone****Property Location:** 24 East 14th Street**Property Owner:** Mark Neal**Applicant:** Duane Carleo**Project Description**

- **Proposal:** Develop 0.19-acre site with a new construction 4-story building and to restore existing 2-story building for mixed-use to include 10 residential dwelling units.
- **Proposed Access:** Main entrance on East 14th Street and secondary entrance on a public alley.
- **Proposed Development Form:** 4-story building fronting East 14th street with a second building fronting public alley at the south end of site.
- **Proposed Density:** Approximately 52.6 dwelling units per acre.

Site Analysis**Site Description**

- **Location:** The 0.19 acre site is located on the south side of East 14th Street approximately 300 feet from the Market Street and East 14th Street intersection.
- **Current Access:** Main entrance on East 14th Street and secondary entrance on a public alley.
- **Current Development form:** There is a mixture of one, two, three, and four story buildings within a 500 foot radius of this downtown urban site. The site is located across the street from the historic Chattanooga Choo Choo Terminal. Buildings in the area are predominately urban in nature with no setback from the right-of-way and utilizing on-street parking.
- **Current Land Uses:** The property to the north is the historic Chattanooga Choo-Choo Terminal with hotel, residential and restaurant uses. The property to the east is storage facility. The properties to the south are various retail shops, offices, residences, and restaurants. The properties to the west are a mix of commercial and restaurant.
- **Current Density:** Average density in the area is difficult to calculate due to the mix of residential uses commercial uses, and vacant lots on non-typical sized lots.

Zoning History

- The site is currently zoned M-1 Manufacturing zone.
- The properties to the north and west are C-3 Central Business Mix. The properties to the east and south are a mix of M-1 Manufacturing Zone and C-3 Central Business Zone.
- The nearest C-3 Central Business Zone (same as the request) is adjacent to the site which was rezoned from M-1 Manufacturing Zone to C-3 Central Business Zone in 2015 (Ordinance #12979).

Plans/Policies/Regulations

- The Downtown Plan (adopted by City Council in 2004) recommends developing the area near Main and Market Streets as an entertainment district, including music venues and restaurants. The adaptive reuse of the existing urban structure is also encouraged.
 - The site is located within the Market and Main Historic District, which is part of the National Register of Historic Places
- The M-1 Manufacturing Zone permits most types of non-residential uses, but does not permit residential uses.
- The C-3 Central Business Zone permits residential and non-residential uses but with a required urban development form.

PLANNING COMMISSION CASE REPORT

Key Findings

- The proposal is supported by the recommendations of the adopted Land Use Plan for the area based on the urban aspect of the project and C-3 Central Business Zone.
- The proposed use is compatible with surrounding uses.
- The proposal is consistent with the development form of the area.
- The proposed residential density is compatible with the surrounding densities.
- The proposed structure does not raise concerns regarding location, lighting, or height.
- The proposal would be an extension of an existing zone.
- The proposal would not set a precedent for future requests.

Departmental Comment

- The Chattanooga Department of Transportation is actively developing new plans for the design of East 14th street.

Staff Recommendation

Approve, with the following conditions.

1. Review.

The following review shall be required to promote compliance with the Downtown Plan, to help ensure that new development complements the existing urban fabric, and to promote the preservation of historically or architecturally significant structures.

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PLANNING COMMISSION CASE REPORT

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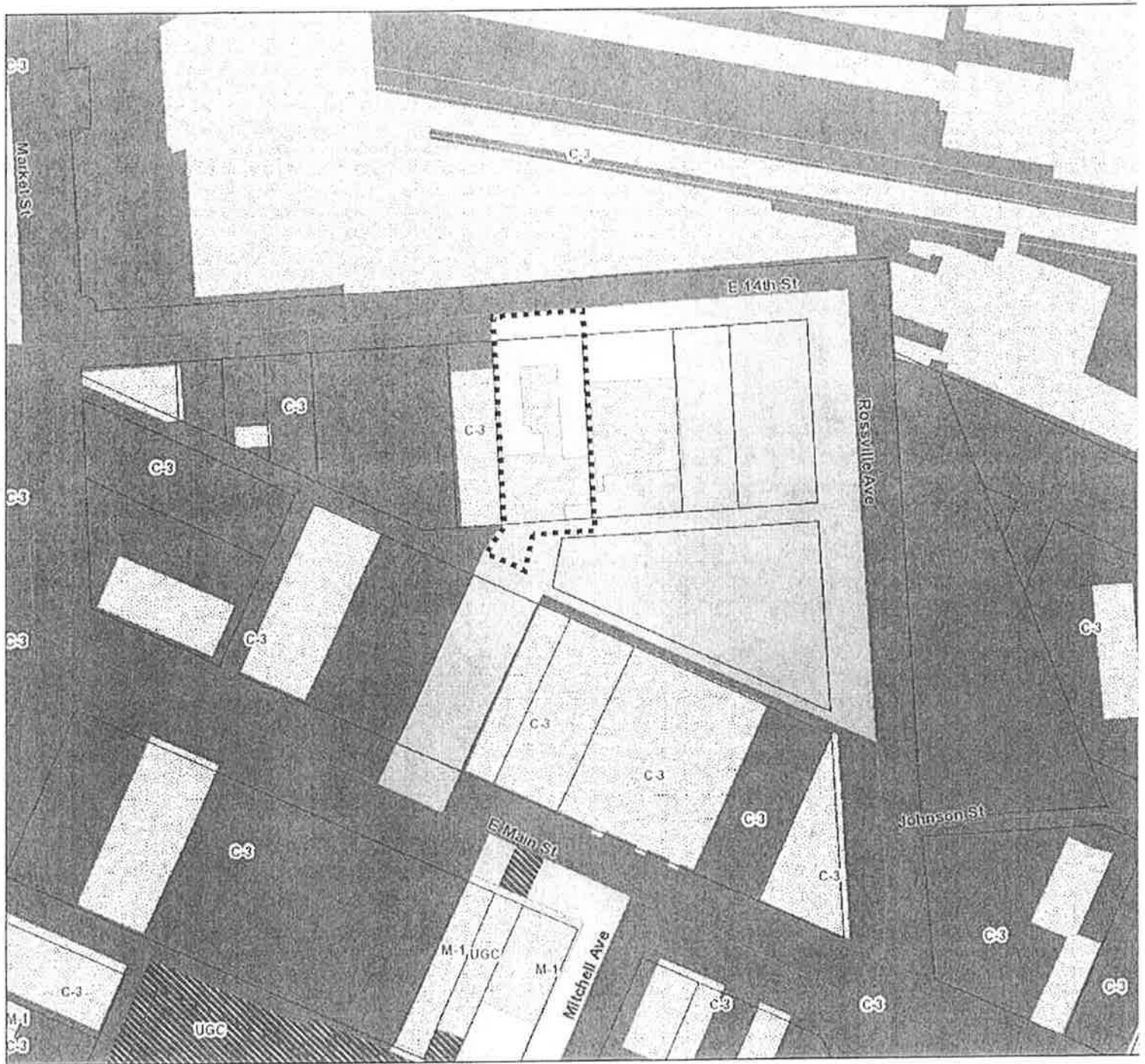
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PLANNING COMMISSION CASE REPORT

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2016-051 Rezoning from M-1 to C-3

PLANNING COMMISSION RECOMMENDATION FOR
CASE NO. 2016-051: Approve, subject to the conditions in the
Planning Commission Resolution.

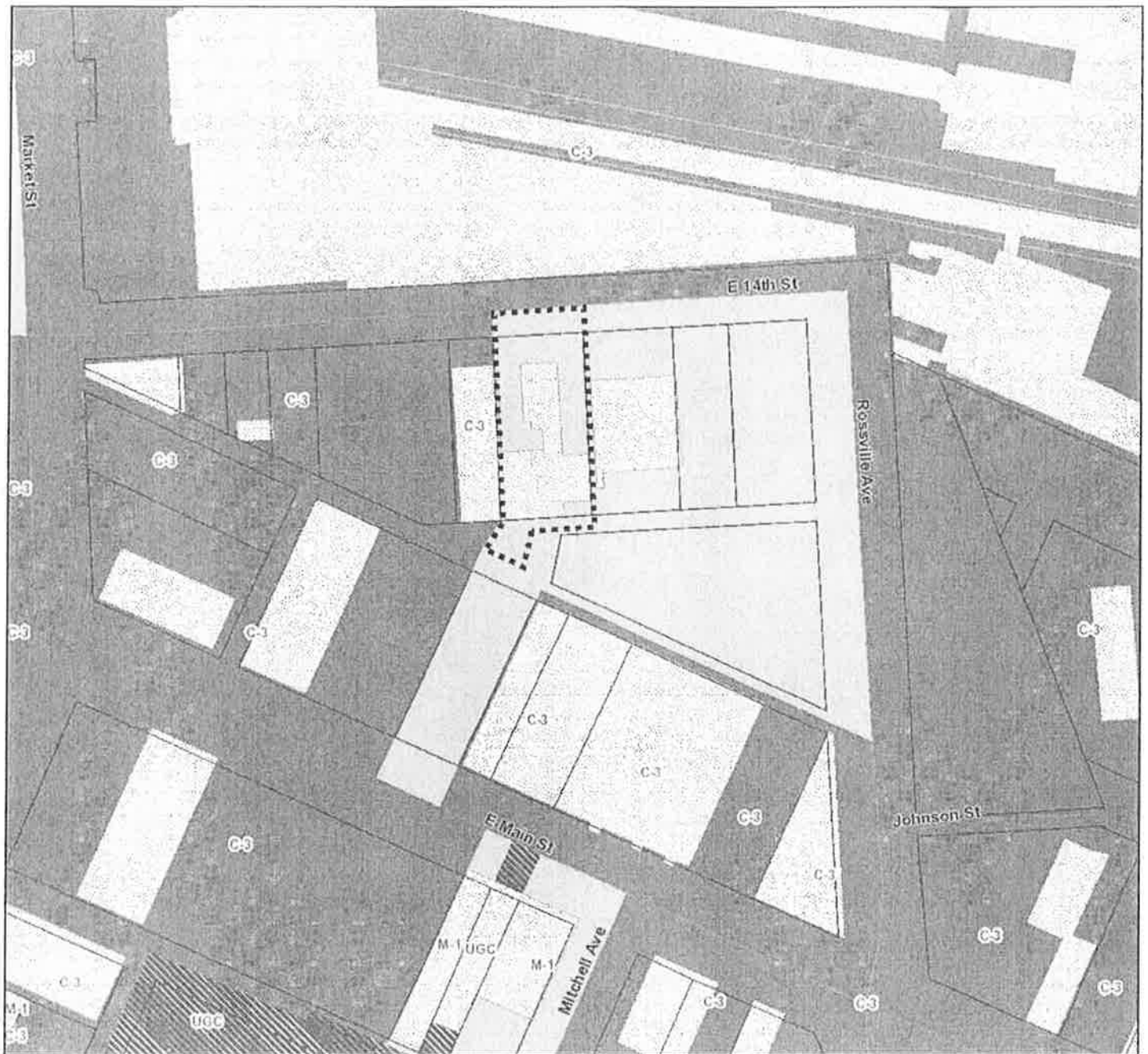


100 ft



Chattanooga Hamilton County Regional Planning Agency





2016-051 Rezoning from M-1 to C-3



100 ft



Chattanooga Hamilton County Regional Planning Agency



Case # 2016-051

Total Acres being requested for rezoning or special permit: .19

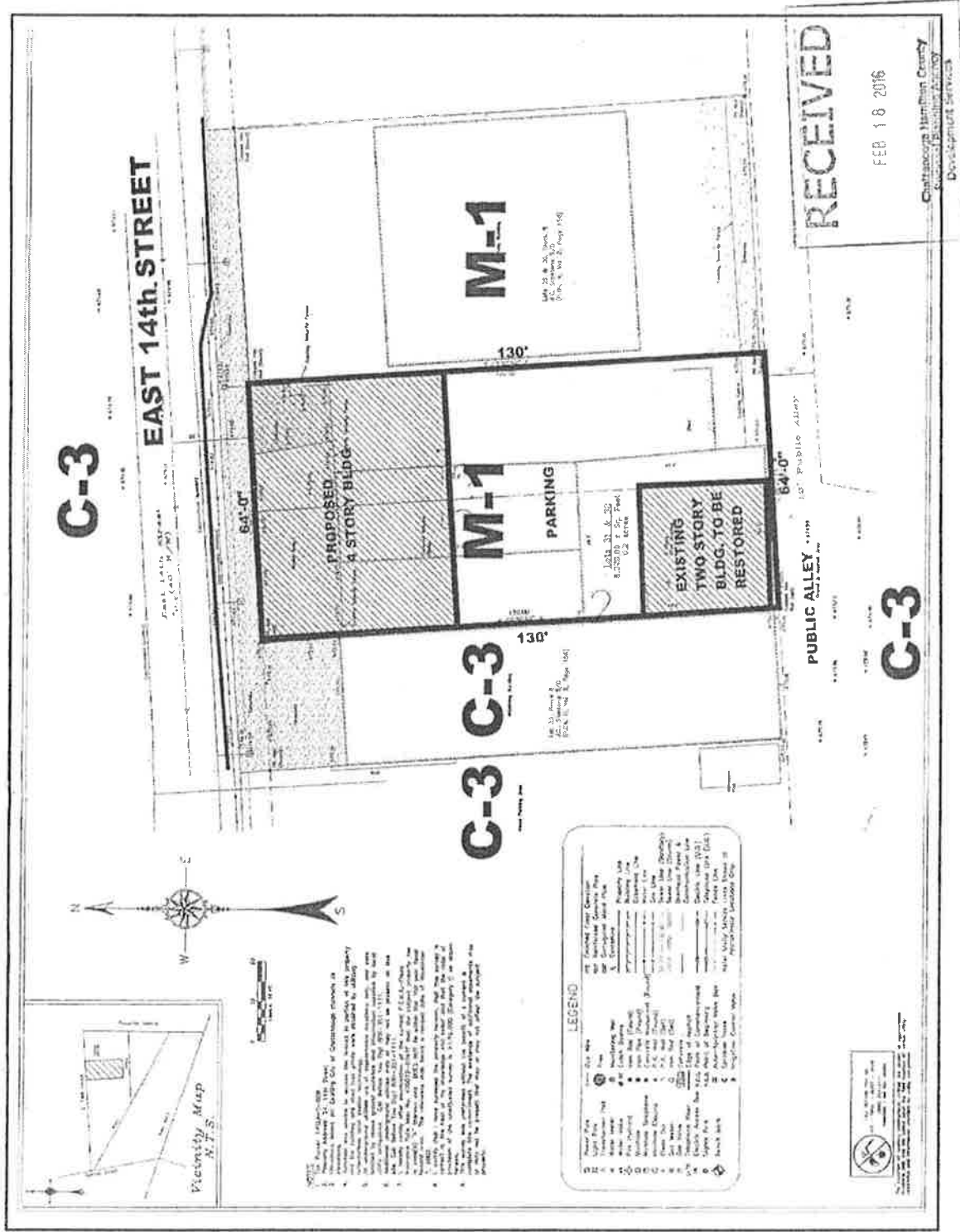
Total number of dwelling units (if applicable): 10

Identify all items on the site plan that are listed in the RPA Site Plan Policy



0 100

Date Received 2-18-2014

Applicant Initial 

NOTICE

WHEREAS, petition to amend Ordinance No. 6958, known as the Zoning Ordinance, has been proposed to the City Council of the City of Chattanooga:

1. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petitions to rezone be approved:

2016-049 Sonja Y. Benning. 109 Workman Road, from M-1 Manufacturing Zone to R-1 Residential Zone.

2016-051 Duane Carleo and Mark Neal. 24 East 14th Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2016-052 David J. Kluttz. 5277 Wilbanks Road, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2016-053 Adamson Developers. 8062 and 8074 Old Lee Highway, from R-2 Residential Zone to R-3 Residential Zone.

2016-054 Chambliss Center for Children. 402 and 406 Gillespie Road, from R-1 Residential Zone to R-2 Residential Zone.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied:

2016-048 Sunnyside Properties, LLC. 4820 Oakland Avenue, from M-1 Manufacturing Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone, recommending denial for the R-T/Z Residential Townhouse Zero Lot Line and approved for R-1 Residential Zone, subject to one single-family residential dwelling only.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that Condition No. 4 be lifted from Ordinance No. 12867 of Previous Case No. 2014-094 on property located at 7408 Bonny Oaks Drive.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendments be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

- (a) **Amending Section 38-2, Definitions**, by adding definitions for Animal day care facility; Animal, domestic; Animal, small; Animal grooming service; Animal run; and Kennel.
- (b) **Amending Section 38-184, Uses permitted as special exceptions by the board of appeals**, by deleting subsection (7) in its entirety and substituting in lieu thereof.
- (c) **Amending Section 38-204, Uses permitted as special exceptions by the board of appeals**, by deleting subsection (7) in its entirety and substituting in lieu thereof.
- (d) **Amending Section 38-302, Uses permitted as special exceptions by the board of appeals**, by deleting subsection (6) in its entirety and substituting in lieu thereof.
- (e) **Amending Section 38-568, Powers, etc., of board; hearings**, by deleting subsection (12) in its entirety and substituting in lieu thereof.
- (f) **Amending Section 38-361(3), Areas included**, by deleting in its entirety and substituting in lieu thereof.

The City Council of the City of Chattanooga, Tennessee will hold a public hearing in the Council Assembly Room, City Council Building, 1000 Lindsay Street, Room 101, Tuesday,

May 10, 2016

at 6:00 p.m. for the purpose of hearing any person whose property may be affected by, or who may otherwise be interested in, said amendments.

This the ____ day of _____, 2016.

Nicole Gwyn
Clerk to the City Council